

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ASUNCION JIMI TENORIO §
VS. § CIVIL ACTION NO. 1:04cv356
MARK RICHARDS, ET AL §

MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Asuncion Jimi Tenorio, formerly an inmate confined at the Hightower Unit of the Texas Department of Criminal Justice, Correctional Institutions Department, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has filed a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends this action be dismissed for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

A copy of the Report and Recommendation was sent to plaintiff at his unit of incarceration, the address previously provided to

the court by plaintiff. The copy sent to plaintiff was returned to the court with the notation that plaintiff was no longer at that facility. Plaintiff has not provided the court with a new address. As a result, this action will be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is partially **ADOPTED** with regards to dismissing the action. A final judgment will be entered in this case dismissing the action without prejudice pursuant to Rule 41(b).

SIGNED this the 22 day of **June, 2005**.



Thad Heartfield
United States District Judge